



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference BCT030060 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/FR2003/001961 | International filing date (day/month/year) 25 juin 2003 (25.06.2003) | Priority date (day/month/year) 02 juillet 2002 (02.07.2002) |
| International Patent Classification (IPC) or national classification and IPC H04B 7/005, H04Q 7/38 | | |
| Applicant NORTEL NETWORKS LIMITED | | |

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| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p> |
| <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application |

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|---|---|
| Date of submission of the demand 29 décembre 2003 (29.12.2003) | Date of completion of this report 26 October 2004 (26.10.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/001961

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:pages 1-25, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____ the claims:pages 1-12, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____ the drawings:pages 1/7-7/7, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____ the sequence listing part of the description:pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages _____ the claims, Nos. _____ the drawings, sheets/fig _____5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1,
not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- complied with.
- not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to claims Nos. _____

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-11 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-11 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-11 | YES |
| | Claims | | NO |

2. Citations and explanations

Reference is made to the following document:

D1: WO 02 30009 A (SAMSUNG ELECTRONICS CO LTD) 11 April 2002 (2002-04-11)

1.1 D1 describes (the references between parentheses apply to said document): a radiocommunication method and a radio unit for a cellular network including an active set of transceivers that communicate with a terminal, wherein each transceiver of the active set is capable of receiving a first radio signal transmitted by the terminal and transmitting a radio signal carrying a power change command to the terminal; wherein one of the transceivers can be controlled to transmit individually and intermittently a third radio signal to the terminal and receive a fourth radio signal transmitted intermittently by the terminal and providing feedback information for the transmission of the third radio signal (D1: page 6, line 36 to page 8, line 20; page 30, line 20 to page 31, line 24, figure 2).

1.2 Consequently, the subject matter of claim 1 differs from this known method in that, during a period of

non-transmission of the fourth radio signal, the terminal combines the first power change commands to obtain a second power change command; adjusts the transmission power of the first radio signal according to the second power change command; and adjusts the transmission power of the fourth radio signal during at least one portion of the period of non-transmission by taking account of the differences detected between the first power change command received from the reference transceiver and the second power change command resulting from the combination of the first power change commands.

- 1.3 The problem that the present invention is intended to solve can be considered to be that of controlling the power of the fourth high-speed signal transmitted by the terminal. The solution to this problem, as proposed in claim 1 of the present application, improves the reception reliability of the channels likely to influence high-speed downlink transmission rates by limiting transmission power during the macrodiversity situation.
- 1.4 The subject matter of claims 1 and 7 is therefore novel and involves an inventive step (PCT Article 33(2) and (3)). The claims that are dependent on claims 1 and 7 thus also comply, as such, with the PCT requirements of novelty and inventive step.